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6/3/03  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Eric Olson  
Norbert Frey

Serial No.: 10/045,594

Filed: November 7, 2001

For: METHODS AND COMPOSITIONS  
RELATING TO MUSCLE SPECIFIC  
SARCOMERIC CALCINEURIN-  
BINDING PROTEINS (CALSARCINS)

Group Art Unit: 1645

Examiner: Valarie E. Bertoglio

Atty. Dkt. No.: UTSD:729US

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MAY 29 2003

TECH CENTER 1600/2900

| CERTIFICATE OF MAILING<br>37 C.F.R. 1.8  |                      |
|--|----------------------|
| I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS SEQUENCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below: |                      |
| May 21, 2003   |                      |
| Date   | Steven L. Highlander |

**RESPONSE TO NOTICE TO COMPLY OFFICE COMMUNICATION**

**MS SEQUENCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice to Comply with Office Communication, dated April 28, 2003,  
there are enclosed herewith:

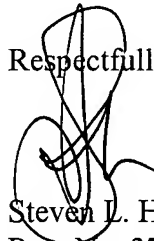
- (a) Statement as Required Under 37 C.F.R. § 1.825(a) and (b) and Statement as Required Under 37 C.F.R. § 1.821(g);
- (b) Computer Readable Form of Sequence Listing;
- (c) Paper Copy of Sequence Listing;

(d) A copy of Notice to Comply with Requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures; and

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason  
relating to these materials, the Commissioner is authorized to deduct the appropriate fees from  
Fulbright & Jaworski Deposit Account No.: 50-1212/UTSD:729US.

Please date stamp and return the accompanying postcard to evidence receipt of these  
documents.

Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: May 21, 2003



PATENT

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In re Application of:

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Norbert Frey

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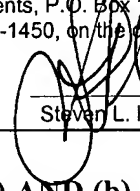
Examiner: Valarie E. Bertoglio

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| May 21, 2003   |  |
| Date   | Steven L. Highlander   |

**STATEMENT AS REQUIRED UNDER 37 C.F.R. § 1.825(a) AND (b)**  
**AND STATEMENT AS REQUIRED UNDER 37 C.F.R. § 1.821(g)**

**MS SEQUENCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

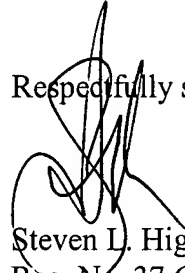
Commissioner:

Submitted herewith is a substitute computer readable form and a substitute paper copy of the sequence listing of those sequences in the captioned patent application, wherein minor errors have been corrected. The substitute computer readable form of the sequence listing is the same as the substitute paper copy of the sequence listing. The sequence information provided in the

Specification is also the same as the sequence listing of the enclosed substitute computer readable and paper forms of the sequence listing.

In accordance with 37 C.F.R. § 1.821(g), it is herewith represented that no new matter is included with this submission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven L. Highlander', is written over the typed name.

Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: May 21, 2003



# FULBRIGHT & JAWORSKI L.L.P.

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STEVEN L. HIGHLANDER  
PARTNER  
SHIGHLANDER@FULBRIGHT.COM

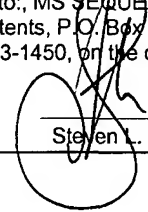
DIRECT DIAL: (512) 536-3184  
TELEPHONE: (512) 474-5201  
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| May 21, 2003   |  |
| Date   | Steven L. Highlander  |

MS SEQUENCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/045,594 entitled "METHODS AND COMPOSITIONS RELATING TO MUSCLE SPECIFIC SARCOMERIC CALCINEURIN-BINDING PROTEINS (CALSARCINS)" – Eric Olson and Norbert Frey*  
*Our reference: UTSD:729US*

Sir:

Please find enclosed:

- (1) A Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed April 22, 2003.
- (2) Statement as Required Under 37 C.F.R. § 1.825(a) and (b) and Statement as Required Under 37 C.F.R. § 1.821(g);
- (3) Computer Readable Form of Sequence Listing;
- (4) Paper Copy of Sequence Listing;
- (5) Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures; and

25298396.1

Commissioner for Patents

May 21, 2003

Page 2

- (6) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/UTSD:729US.

Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642

SLH/mar

Encl: as noted



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/045,594      | 11/07/2001  | Eric Olson           | UTSD:729US/SLH      | 8497             |

7590 04/22/2003  
Steven L. Highlander  
Fulbright & Jaworski L.L.P.  
Suite 2400  
600 Congress Avenue  
Austin, TX 78701



EXAMINER

BERTOGLIO, VALARIE E

ART UNIT PAPER NUMBER

1632

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

REC-5/22/03  
Dep. listing due: 10/22/03  
Final deadline  
APR 28 2003  
Client: UTSD: 729US  
Attorney(s): SLH  
Initials: Can SD



MAY 27 2003

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 10/045594     | 11/07/2001  | Olson                 | UTSD:729US/SLH      |

| EXAMINER          |              |
|-------------------|--------------|
| Valarie Bertoglio |              |
| ART UNIT          | PAPER NUMBER |
| 1632              | 13           |

DATE MAILED:


Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. All n's must be explained using <220> to <223> and explaining the location of n and which residue(s) n may represent. There is an 'n' in the sequence listing for SEQ ID NO: 5.

APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Valarie Bertoglio whose telephone number is (703) 305-5469. The examiner can normally be reached on Monday through Friday from 7:30 to 4:00 (Eastern Standard Time). Should the examiner be unavailable, inquiries should be directed to Deborah Reynolds, Supervisory Primary Examiner of Art Unit 1632, at (703) 305-4051. Any administrative or procedural questions should be directed to Dianiece Jacobs, Patent Analyst, at (703) 305-3482. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is (703) 872-9306.

Valarie Bertoglio  
Patent Examiner  
Group 1632

  
DEBORAH J. REYNOLDS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600





Application No.: **10/045594**

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: There is an 'n' in the sequence listing for SEQ ID NO: 5. All n's must be explained using <220> to <223> and explaining the location of n and which residue(s) n may represent..

**If Necessary, Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212.

For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**